REMARKS/ARGUMENTS

This Amendment responds to the Office Action dated July 2, 2007 in which the Examiner rejected claims 47-65 under 35 U.S.C. §112 second paragraph and under 35 U.S.C. §103.

As indicated above, the Specification has been amended to update the status of an application cited within the specification. Applicant respectfully requests the Examiner approve the correction

As indicated above, claims 47, 53, 57, 61 and 63 have been amended in order to more particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Therefore, Applicant respectfully requests the Examiner withdraw the rejection of claims 47-65 under 35 U.S.C. §112 second paragraph.

As indicated above, claims 47, 53, 57, 61 and 63 have been amended in order to make explicit what is implicit in the claims. The Amendment is unrelated to a statutory requirement for patentability.

Claims 47, 57, and 61 claim a method of transferring (requested) media data over a network, claim 53 claims a method of receiving media data over a network, and claim 63 claims a method of remotely determining a media player configuration of a device. The methods include (a) storing, at the client side, the media player information in one or more cookies where the cookies also described a connection speed and a user preferred connection speed and (b) fetching the requested media data including sending the one or more cookies with the fetch request.

By (a) storing one or more cookies containing media player information, connection speed and a user preferred connection speed and (b) fetching the requested media

data including sending the one or more cookies with the fetch request, as claimed in claims 47, 53, 57, 61 and 63, the claimed invention has the media content formatted according to configuration information which is compatible with the user's configuration. The prior art does not show, teach or suggest the invention as claimed in claims 47, 53, 57, 61 and 63.

Claims 47-65 were rejected under 35 U.S.C. §103 as being unpatentable over *Hegde et al.* (U.S. Patent No. 6,925,495) in view of *Doty, Jr. et al.* (U.S. Patent No. 6,795,863).

Hegde et al. appears to disclose a requesting device 510 requests content from a CDN 520. The CDN 520 receives the content request and attempts to assemble the content based on instructions from origin server 530. When the requested content is available, CDN 520 delivers the requested content to requesting device 510 (Column 9 lines 11-21). Thus nothing in Hegde et al. shows, teaches or suggests fetching requested media data including sending one or more cookies with the fetch request as claimed in claims 47, 53, 57 and 61. Nor does *Hegde et al.* show, teach or suggest receiving detected media player information in one or more cookies as claimed in claim 63. Rather, *Hegde et al.* only discloses receiving a request and delivering the required contents if available.

Additionally, as noted by the Examiner, *Hegde et al.* does not show, teach or suggest (a) storing, at a client side, a media player information in one or more cookies, (b) verifying the one or more cookies have valid settings, (c) sending an acknowledgment indicating that the one or more cookies are sufficient to format the requested media data and (d) the cookies describe a connection speed and a user preferred connection speed as claimed in claims 47, 53, 57, 61 and 63.

Doty, Jr. et al. appears to disclose determining if a user has the correct plug-ins to view a site (Column 7 lines 8-9). If the plug-in is missing, the user is sent to a smart download

page (Column 7 lines 12-13). Thereafter a cookie is set once it is determined if the user can receive multicast signals (Column 7 lines 17-21).

Thus, *Doty, Jr.* only discloses setting a cookie once the user is determined to be able to receive multicast signals. Nothing in *Doty, Jr.* shows, teaches or suggests storing detected media player information prior to verifying that the cookies are valid as claimed in claims 47, 53, 57, 61 and 63. *Doty, Jr.* only discloses first determining the browser that is used, if the browser is compatible determining if the user can receive multicast signals and then setting a cookie.

Furthermore, *Doty, Jr.* only discloses doing a bandwidth detection each time a user visits a website and not setting a cookie so that the user can see the best possible video based on his connection (Column 7 lines 29-34). Thus nothing in Doty Jr. shows, teaches or suggests cookies describing connection speed and a user preferred connection speed as claimed in claims 47, 53, 57, 61 and 63. *Doty, Jr.* only discloses detecting bandwidth and not setting a cookie. Nothing in Doty, Jr. shows, teaches or suggests a user preferred connection speed.

Finally, nothing in *Doty, Jr.* shows, teaches or suggests fetching the requested media data including sending the one or more cookies with the fetch request as claimed in claims 47, 53, 57, 61 and 63.

A combination of *Hegde et al.* and *Doty, Jr.* would merely suggest to have a requesting device request contents as disclosed in *Hegde et al.*, to determine the plug-ins of the user and if proper determine if the user can receive multicast signals, and then set a cookie and do a bandwith detection as taught by *Doty, Jr.* Thus nothing in the combination of the references shows, teaches or suggests (a) storing cookies at the client side before verifying the cookies and sending an acknowledgement, (b) having cookies include a user preferred connection speed and

(c) fetching media data including sending cookies with the fetch request as claimed in claims 47, 53, 57, 61 and 63. Therefore, Applicant respectfully requests the Examiner withdraw the rejection of claims 47, 53, 57, 61 and 63 under 35 U.S.C. §103.

Claims 48-52, 54-56, 58-60, 62 and 64-65 depend from claims 47, 53, 57, 61 and 63 and recite additional features. Applicant respectfully submits that claims 48-52, 54-56, 58-60, 62 and 64-65 would not have been obvious within the meaning of 35 U.S.C. §103 over *Hegde et al.* and *Doty, Jr.* at least for the reasons as set forth above. Therefore, Applicant respectfully requests the Examiner withdraw the rejection of claims 48-52, 54-56, 58-60, 62 and 64-65 under 35 U.S.C. §103.

CONCLUSION

Thus it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested. Should the Examiner find that the application is not now in condition for allowance, Applicant respectfully requests the Examiner enter this Amendment for purposes of appeal.

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

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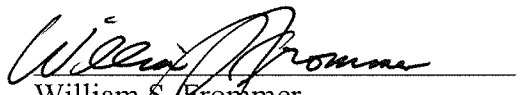
By 
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